



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

June 10, 2008

Rufus Barkley
Riverside Commercial Investors, Inc.
3685 Main Street, Suite 220
Riverside, CA 92501

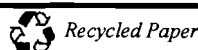
CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR CITRUS BUSINESS PARK, CITY OF RIVERSIDE, RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE)

Dear Mr. Barkley:

On January 31, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted by Albert A. Webb Associates, for Citrus Business Park (a.k.a. Parcel Map 35229) in the City of Riverside. On May 23, 2008, we received a response to Regional Board staff request for additional information made on February 5, 2008. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description: Construction of two industrial buildings on each side of Springbrook Wash on a 37.44 acre property. As part of the project, an access road will be constructed across the wash at the west end of the property adjacent to an existing Burlington-Northern-Santa Fe (BNSF) rail road line that also crosses the Wash. The crossing will include an extension of the culvert under the railroad, however, the work will not involve an increase in the capacity of the culvert. Grading will involve some work on the upper banks of the Wash, at the storm drain outfalls, and for the access road crossing, with attendant compaction and stabilization, but the Wash will otherwise be left in a natural condition. A recreational trail will be constructed along one or both sides of the upper banks of Springbrook Wash; a related tunnel will be included beneath the proposed access road. The project is bounded by Citrus Street on the south, BNSF rail road lines on the east and west, and Villa Street to the north. The site is located within Section 7 of Township 2 South, Range 4 West, of the U.S. Geological

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Survey *San Bernardino South, California*, 7.5-minute topographic quadrangle map (34.010016 degrees N/ - 117.337451 degrees W).

Receiving water: Springbrook Wash

Fill area: 0.462 acre of permanent impact to an ephemeral drainage (150 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 29

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Nuisance flow and 'first-flush' discharges from the project will be treated in infiltration trenches along the south and west sides of the northern portion of the project; and along the north and south sides of the southern portion of the project. The trenches will be situated beneath grassed swales that will convey high-flows. The trench/swales will be operated and maintained by the subsequent property owners.
- The railroad crossings at the east and west ends of Springbrook Wash are undersized and function as controlled release points and grade stabilization structures. These crossings will not be modified and will be used to address hydraulic conditions of concern in addition to the proposed trench/swales.
- Additional site-specific best management practices (BMPs) are specified in the site's Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP).
- A conservation easement will be placed over the on-site reach of Springbrook Wash and an in-lieu fee payment will be made to the Riverside Land Conservancy toward the eradication of invasive plant species on the property. The payment will include funding for follow-on maintenance of the site in perpetuity.

Offsite Water Quality Standards Mitigation Proposed:

- No off-site water quality standards mitigation is proposed.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's

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General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a Storm Water Pollution Prevention Plan (SWPPP), to control the discharge of pollutants from the project site.

The project is subject to a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act (CEQA), the City of Riverside adopted a Mitigated Negative Declaration for Parcel Map 35229 on November 8, 2007. The Executive Officer has considered the City's Mitigated Negative Declaration in the issuance of this Certification.

This 401 Certification is contingent upon the execution of the following conditions:

1. This Certification is conditioned upon the construction of all storm water treatment facilities as proposed. All structural storm water treatment facilities must be constructed and operational prior to the occupancy of any on-site structure.
2. Regional Board staff and other authorized representatives shall be allowed:
 - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and applicable waste discharge requirements;
 - b. Access to copy any records that are kept under the requirements of this Certification and applicable waste discharge requirements;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
 - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and applicable waste discharge requirements.
3. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP or WQMP.
4. Riverside Commercial Investors, Inc., their successors or assigns, must place a conservation easement, or similarly effective legal instrument, over the on-site reach of Springbrook Wash as proposed. The easement must be in effect prior to the sale or lease of any lot resulting from the proposed parcel map.
5. Waste materials¹ within the on-site reach of Springbrook Wash must be removed and disposed of in accordance with applicable Federal, State, and local requirements prior to the completion of rough grading on any portion of the site. Waste materials that pose an immediate threat to water quality must be removed and disposed of by July 10, 2008.
6. Riverside Commercial Investors, Inc., successors or assigns, must pay an in-lieu fee to Riverside Land Conservancy towards the eradication of invasive plant species within the on-site reach of Springbrook Wash. The fee must include funding for follow-on maintenance in perpetuity. Evidence of the fee payment must be provided to the Executive Officer by August 10, 2008.

¹ As defined in California Water Code Section 13050(d).

7. Educational signage must be placed at strategic locations along the proposed trail(s) for the purpose of protecting the ecological beneficial uses of Springbrook Wash.
8. This Certification is transferable only upon written notice to the Executive Officer. The notice must include written acknowledgement of this Certification by the transferee's authorized representative.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

June 10, 2008

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Yvette Cardenas
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Anna Milloy
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith
Riverside Land Conservancy – Jack Easton

APF:401/certifications/citrus bus pk 332008-03